

The Handling of Complaints in the Criminal Justice System

A review of how the main
Criminal Justice Organisations
deal with complaints

July 2007





The Handling of Complaints in the Criminal Justice System

A review of how the main Criminal Justice
Organisations deal with complaints

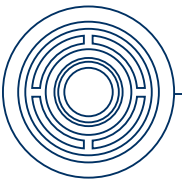
July 2007

Presented to the Houses of Parliament by the Secretary
of State for Northern Ireland under Section 49(2) of the
Justice (Northern Ireland) Act 2002.



Criminal Justice Inspection
Northern Ireland
a better justice system for all

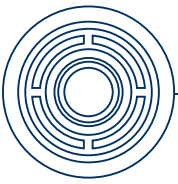






Contents

List of abbreviations		iv
Chief Inspector's Foreword		v
Executive Summary		vii
Recommendations		x
SECTION 1: Inspection Report		
Chapter 1	Introduction	3
Chapter 2	Youth Justice Agency	5
Chapter 3	Police Complaints and the Police Ombudsman	17
Chapter 4	Public Prosecution Service	21
Chapter 5	Northern Ireland Court Service	25
Chapter 6	Northern Ireland Prison Service	29
Chapter 7	Probation Board for Northern Ireland	39
Chapter 8	Postscript – A Cohesive CJS Complaints System	43
SECTION 2: Appendices		
Appendix 1	Methodology	46
Appendix 2	Questionnaire survey	50



List of abbreviations

AO	Assembly Ombudsman
CJI	Criminal Justice Inspection Northern Ireland
CJO	Criminal Justice Organisation
CJR	Criminal Justice Review
CJS	Criminal Justice System
DCU	District Command Unit
IAC	The Independent Assessor of Complaints
ICR	Independent Complaints Reviewer
IMB	Independent Monitoring Board (Prisons)
IR	Independent Representative
IT	Information Technology
JJC	Juvenile Justice Centre
MOU	Memorandum of Understanding
NI	Northern Ireland
NIACRO	Northern Ireland Association for the Care and Resettlement of Offenders
NICCY	Northern Ireland Commissioner for Children and Young People
NICEM	Northern Ireland Council for Ethnic Minorities
NICtS	Northern Ireland Court Service
NIHRC	Northern Ireland Human Rights Commission
NIO	Northern Ireland Office
NIPS	Northern Ireland Prison Service
OPONI	Office of the Police Ombudsman for Northern Ireland
PBNI	Probation Board for Northern Ireland
PO	Prisoner Ombudsman (Northern Ireland)
PPO	Probation and Prisons Ombudsman (England and Wales)
PPS	Public Prosecution Service for Northern Ireland
PSD	Professional Standards Department (PSNI)
PSNI	Police Service of Northern Ireland
RQIA	Regulation and Quality Improvement Authority
S75	Section 75 (of the Northern Ireland Act)
SLA	Service Level Agreement
SSI	Social Services Inspectorate
UK	United Kingdom
YJA	Youth Justice Agency



Chief Inspector's Foreword

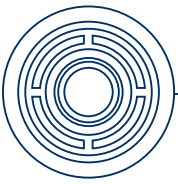
This is a thematic review of complaints against organisations within the Criminal Justice family and as such goes right across the criminal justice system; however, the inspection concentrated on the seven main Criminal Justice Organisations (CJOs). The inspection examined how complaints against those organisations were handled, either by themselves or by other agencies.

The inspection coincided with work being carried out by the Regulation and Quality Improvement Authority (RQIA) into complaints by young persons at the Lakewood Centre and work by the Northern Ireland Commissioner for Children and Young People (NICCY) at the Juvenile Justice Centre (JJC). Fieldwork was co-ordinated between the three organisations so as not to inconvenience staff and management of the inspected agencies unduly. I am grateful to both NICCY and RQIA for their help and advice throughout the inspection process.

The handling of complaints was described in the Review of the Criminal Justice System in Northern Ireland 2000 (CJR), as *'an essential part of effective accountability mechanisms.'* How an organisation deals with complaints against it is an indicator of how open it is to feedback and of its attitude to developing and improving service to its customers. Complaints handling should be an integral part of continuous improvement strategies designed to enable organisations to improve the quality of the services that they provide and to learn lessons from mistakes that may have occurred.

The inspection examined how each CJO handled complaints as measured against recommendation 16 of the Review which advocated systems that should be *'accessible, understood, administered sensitively and expeditiously, and having an independent element where appropriate.'* Some organisations had more mature complaints systems than others, whilst the Youth Justice Agency had only recently introduced a completely new system which will need time before a comprehensive review of it can be undertaken.

Most CJOs had a system of appeal or independent oversight of their complaints system. Oversight organisations each had different remits and legislative status. Independence of CJOs is important in the effective and impartial administration of justice and bespoke complaints systems are part of that organisational independence which should be maintained. However, there is scope for developing a system of unified, independent oversight of complaints within the compact jurisdiction of Northern Ireland. Consideration should be given to forming a complaints oversight body to fulfil the role of an external, independent assessor of complaints for all of the main CJOs in Northern Ireland.



Bill Priestley led this inspection for CJI and received valuable guidance and assistance from Dr Helen Beckett of NICCY and Mat Crozier from Include Youth's Young Voices Project. Inspection fieldwork was undertaken during December 2006 and January 2007. The inspection team greatly appreciated the levels of assistance and co-operation it received from the CJOs, complainants and stakeholders. The advice of the steering group for this inspection was invaluable. I am grateful to all who contributed.

Kit Chivers

Chief Inspector of Criminal Justice in Northern Ireland.





Executive Summary

This inspection examined the processes involved when complaints are made by anyone external to the organisation about a CJO, the work it does, its employees, or anyone engaged by the organisation to carry out work on its behalf. Internal complaint mechanisms such as grievance procedures and whistleblowing policies did not form part of this inspection. In respect of complaint figures and statistics the period under review was from November 2005 to October 2006.

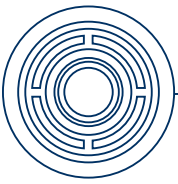
There is disparity between CJOs as to what constitutes a complaint that should be formally recorded and dealt with. Most organisations have defined complaints within their own processes but many low level issues raised by people interacting with the CJOs are not escalated to complaint status. These issues are often dealt with by the organisations' staff as close to the time of complaint as possible. Inspectors spoke with many complainants and were told by the vast majority of them that in minor cases this was their preferred option, rather than going through a sometimes lengthy formal process.

The issue of clarity around what amounts to a complaint even when there is an organisational definition is recognised by CJOs. However, issues perceived as falling below the threshold of a formal complaint are generally not recorded by the receiving CJO. If issues, even low level ones, are not recorded then it is possible that information that would enable an organisation to develop its policies and processes, to the benefit of its service users, is being missed.

Each organisation must continue to check its understanding of what is meant by a complaint by actively seeking the views of its customers. A system-wide definition of a complaint may be too generic or restrictive to be of use to organisations and their customers. However, organisations should examine ways of capturing all feedback from service users whether they constitute complaints or not so that organisational development should be fully informed.

Each CJO has its own bespoke complaint system with different numbers of stages and timeliness targets for resolution at each step (Figure 1). Each also has its own form of external oversight. External supervision of complaints against the main CJOs rests with a variety of oversight bodies or individuals each of which may have a different legislative status and remit. Whilst it is desirable that each CJO has a complaints system in place that caters for the specific needs of their customers, within the jurisdiction of Northern Ireland consideration should be given to developing one complaints oversight body for all of the CJOs.

Inspectors met with a wide range of CJO staff and spoke with many complainants. Broadly speaking Inspectors found that each of the CJO complaint systems were operating well. Most organisations ensured that information on complaints had been provided to customers in the most appropriate ways. Complaints handling processes varied within organisations but generally those complaints that had been recorded had been investigated



and monitored at the appropriate levels. Outcomes of complaints had been communicated to complainants and also within organisations so that there had been organisational learning in most cases.

Some systems had only recently been implemented or reviewed and enhanced. The Youth Justice Agency (YJA) system had been finalised in October 2006 and no review of its effectiveness had yet been conducted. This, and the fact that the YJA has a custodial element (JJC), is reflected in the number and type of recommendations made.

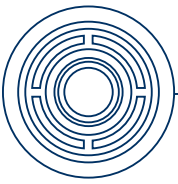
The same can be said of the NIPS. The present complaints system had been introduced in May 2005 and was still being refined. Not all prison staff had received formal training in complaint resolution and policies were not always being followed in all prison establishments. Formal tracking, detailed analysis of complaints, and the provision of management information had not been fully embedded throughout the NIPS though this should improve with the continued implementation of the PRISM IT system.

Most complainants spoken to were reasonably satisfied with the service provided by the CJO complaint systems that they had encountered, even though in many of these cases they had not been satisfied with outcomes. However, better communication was highlighted by the vast majority of complainants as being the single most important factor to improve. It was not just more regular communication that complainants referred to but the style of communication. Many said that some of the letters or e-mails they had received used legal jargon and were difficult to understand. They also said that if an organisation offered an apology, or showed empathy towards their feelings, their perception of the level of service was greatly enhanced. Having examined many complaint case files in all of the CJOs it was apparent to Inspectors that the style and tone of communication adopted by the organisation did affect further contact with the complainant.

Apart from complaints against the police and to a lesser extent, against the prison service, the level of complaints recorded was very low. This may mean that the service provided by those CJOs is very good, complaints are not being recorded, people do not know how to complain, or that customers are underreporting their concerns. The situation is likely to be a mixture of all of these factors though amongst young people in detention, at the JJC or at Hydebank, Inspectors found a high level of apathy as regards complaining.

Uniquely, in Northern Ireland the vast majority of complaints against the police are dealt with by the independent OPONI. Inspectors found that the system of handling complaints against the police was of a high standard. This system was being developed further by OPONI, for example, the proposed use of mediation to deal with less serious complaints is a positive step towards an alternative to 'informal resolution'. Other CJOs are not handling the same level of complaints so their systems cannot be expected to include the same level of monitoring and research but this standard may be possible in a unified CJS complaints oversight organisation.

CJO	Accessibility	Stages and time limits	External element
PPS	Information, complaints form and leaflet on website – clear link.	Acknowledgement within 5 working (w) days, full response within 15 w/days. Oversight – PPS forwards complaint to independent assessor.	Independent Complaints Assessor.
NICtS	Statement of intent, complaint form and leaflet on website – clear link. Confidentiality assured.	Three internal stages: Stage 1; reply within 15 w/days. Stage 2; reply within 15 w/days. Stage 3; reply within 15 w/days. Oversight from Parliamentary Ombudsman.	Parliamentary Ombudsman (administrative complaints only).
OPONI	Information on leaflet about making complaints against OPONI accessible through website.	Complaints against OPONI will be investigated internally – if unhappy with this complainant can write to Secretary of State.	Secretary of State (only for complaints of maladministration against OPONI).
PSNI	Information, police complaints form and leaflet on OPONI website – clear link. PSNI website has no clear link to complaints information.	OPONI deals with all complaints against the PSNI except for ones relating to the 'direction and control of the police service'.	The Police Ombudsman.
YJA	Complaints charter but no clear link on website.	Three internal stages: Stage 1; Talk to staff. Stage 2; Complain to a senior manager – acknowledgement within 3 w/days, decision on actions within 5 w/days. Stage 3; Contact the Chief Executive – acknowledgement within 3 w/days, decision within 15 w/days. Oversight from the ICR.	Independent Complaints Reviewer (ICR).
NIPS	Guides for prisoners and complaint forms available on prison wings. Process covered during induction. No clear link on the website to information.	Three internal stages: Stage 1; Complete complaint form within 21 days of the issue. Response within 7 days. Stage 2; Form passed to supervisor within 7 days from end of stage 1. Response within 7 days. Stage 3; Form passed to supervisor's line manager within 7 days from end of stage 2. Response within 7 days. Oversight from the Prisoner Ombudsman.	The Prisoner Ombudsman for Northern Ireland (there may also be recourse to the Parliamentary Ombudsman or to the Assembly Ombudsman).
PBNI	Complaint policy, guidance and procedures on website through 'publications' link.	Three stages: Stage 1; Dealt with at point of complaint, recorded and sent to Complaints Officer. Stage 2; Refer to line manager – meeting with complainant within 5 w/days. Response within 10 working days. Stage 3; Refer to Complaints Officer – investigating officer appointed within 2 days and complainant informed. Within 5 w/days arrange a meeting with complainant Complete investigation within 15 w/days.	Oversight through the Probation Board. CEO may use appropriate external resources in appeal cases.



Recommendations

YJA

- It is recommended that the YJA complaints charter should be fully implemented and that particular emphasis should be given to:
 - i. Ensuring that young people are informed about the complaints procedure during induction and throughout their period of contact with any of the business operations of the YJA.
 - ii. Ensuring that there is adequate and appropriate support for young persons who make complaints.
- Explanations of complaint procedures should be facilitative, using examples of what may constitute a complaint to ensure that young people understand the information being shared with them. Confirmation that this process has occurred should be officially recorded and signed by both the young person and the member of staff responsible for facilitating the process.
- Complaints awareness work should be increased so that young people are always aware of how to exercise their right to complain. In the context of young people in custody at the JJC this may best be achieved by using an appropriate independent organisation.
- The YJA should ensure that written information about the complaints procedure is always given to a young person during their first encounter with YJA staff. This should be provided in a youth-friendly format. Consideration should also be given to the provision of such material in alternative formats where necessary or beneficial (e.g. where English is not the young person's first language).
- Written information about the complaints procedures (e.g. posters) should be permanently displayed at key locations in all YJA premises. This should also be in a format that is both accessible and understandable to young people.
- Complaint forms should be directly accessible to all young people having contact with the YJA. In the JJC, forms, together with sealable envelopes, should be freely available in a place where young people can easily access them without having to ask staff. Complaints made in this way should be dealt with in confidence and should be registered by the receiving officer.
- Young peoples' views should form part of a regular wider review and revision of support systems for complainants. This should include full consultation with all service users, complainants' satisfaction surveys and integration of results from the recently implemented auditing of complaints.
- The YJA should communicate the results of their recently implemented audit procedures for complaints to all service users in a format that is easily understood and accessible. Results of complaints detailing the issues raised and how they were resolved should be displayed in prominent positions in all YJA premises and in each of the units at the JJC.



PPS

- It is recommended that the PPS should review its communication processes with complainants to ensure that correspondence is provided in an appropriate format and is easily understood.
- It is recommended that the PPS monitors its performance in responding to complainants and completing investigations within the time limits to improve its service to customers.
- It is recommended that the PPS should introduce a system of keeping all staff informed and updated of complaints made against the organisation by publishing or displaying anonymised complaints and any learning outcomes.
- It is recommended that the PPS introduce a system of collecting demographic data from complainants to enable it to undertake Section 75 monitoring of the application of its complaints system.

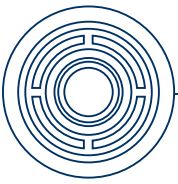
NICtS

- It is recommended that NICtS should regularly inform and update staff on their obligations to record information under its complaints handling system.
- It is recommended that NICtS introduce a system of collecting demographic data from complainants to enable it to undertake Section 75 monitoring of the application of its complaints system.

NIPS

- It is recommended that the effectiveness of the PRISM IT system in tracking and analysing complaints should be closely monitored and reviewed during its first year of operation and that management information extracted from it should be provided on a monthly basis for scrutiny by senior management in each prison establishment.
- It is recommended that NIPS implement their training package on the complaints system for all staff supported by establishment management and active supervision of the complaints system as operated by staff on wings and landings.
- It is recommended that NIPS amends its' system to give prisoners unrestricted access to complaint forms and ensures that complaints are lodged and dealt with in confidence.
- It is recommended that NIPS should develop and implement a comprehensive complaints system for visitors along the lines of the existing internal complaints procedures.
- It is recommended that provision should be made for those prisoners that have difficulty in understanding complaints information and forms by providing paperwork in languages other than English or by way of formal support for those who have a low level of literacy.





- It is recommended that anonymised outcomes of complaints previously investigated either internally or by the Prisoner Ombudsman should be communicated to prisoners during induction and displayed in prominent positions in each prison establishment.
- It is recommended that the advocacy system for young people at Hydebank Wood YOC is promoted amongst staff and young people to enhance young people's access to and confidence in the complaints system.

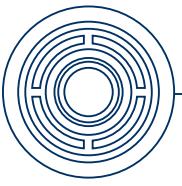
PBNI

- It is recommended that PBNI should ensure that the availability of complaints information in alternative formats is clearly and explicitly stated in all its leaflets, on its website and displayed in prominent positions in its premises.
- It is recommended that PBNI should regularly update staff on their obligations to record complaints made to them and that a system of monitoring complaints recorded at a local level should be introduced.
- It is recommended that in the interim period whilst consideration is given to establishing a unified CJS complaints oversight system the remit of the Prisoner Ombudsman should be extended to apply to complaints against PBNI that affect prisoners.

Section



Inspection Report



Introduction



The handling of complaints by criminal justice organisations was one of the themes of the CJR. Recommendation 16 of that review reads:

“All parts of the criminal justice system should be covered by complaints mechanisms that are well publicised, easily accessible and understood, administered with due sensitivity and expedition and which, where appropriate, have an independent element. The workings of the complaints mechanisms should receive coverage in annual reports and, in those parts of the system subject to inspection, be inspected.”

The way an organisation responds to complaints is a ‘window into its general culture and its attitude to its customers’¹. How organisations deal with complaints against themselves or their employees contributes to how they are perceived by their customers and stakeholders. Some of the consequences of an organisation failing to deal adequately with complaints may be:

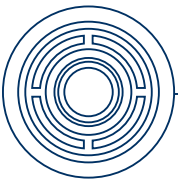
- Legal action, in some cases up to judicial review;
- Negative experiences for complainants who feel aggrieved already;
- Damage to organisational reputation; and
- Wider damage to the public perception of the organisation.

Complaints have formed part of previous inspections carried out by Criminal Justice Inspection (CJI). During an inspection of the Benefit Investigation Service (BIS)² ‘Inspectors found the complaints system was effective in BIS with ownership, management and procedures being clearly identified.’ Although BIS did not form part of this review of complaints Inspectors revisited BIS and found that the system of complaints handling was an example of good practice. Explanation of complaints procedures to customers was thorough, documented and confirmed by signature. Files examined were detailed, used checklists and there were examples of the organisation changing procedures as a result of complaints made and lessons learned.

One of the problems in addressing this subject is the great range of things that can be regarded as complaints. Complaints can range from an allegation of serious mistreatment to something as minor as the newspapers turning up a day late in the cells. Some complaints may be misconceived and there may be nothing in them. Some may be appeals, in effect, against judicial or administrative decisions of the criminal justice system. Some may be more in the nature of enquiries than complaints. It is extremely difficult to categorise them all.

¹ The Independent Complaints Reviewer (ICR)

² Inspection of the Benefit Investigation Service of the Social Security Agency May 2006



Agencies face a dilemma. Any organisation will want to resolve the majority of the minor complaints it receives quickly and un-bureaucratically. But apparently minor complaints can be indicative of a wider issue, so it is nevertheless important that information about complaints is captured for management even if the complaints have been resolved on the spot.

There is a distinction, too, to be drawn between complaints by those who are 'customers' of the criminal justice system, i.e. members of the public, and 'clients' who are subject to the system either in custody, serving community sentences or otherwise subject to supervision by the Probation Board. 'Customers' are able to speak up for themselves without fear of reprisals, whereas 'clients' are likely to be nervous about complaining against those who exercise some degree of control over them, and special arrangements may be necessary to ensure that they can complain in confidence. This militates against the informal early resolution which would otherwise be the preferred course.

Principles underpinning complaints

The agencies have to resolve these dilemmas in their own distinct ways, but there are certain common principles which Inspectors looked for.

The first would be that everyone should have not only the right but the facility to register a complaint without fear of the consequences. If there are fears of reprisals, they must be circumvented. If there are problems of language or of literacy, means must be found to solve them.

The second would be that the flow of information to management should be maximised. No-one should be penalised for passing information about complaints up the line: even if the complaints are unfounded, management needs to know, and if the complaints have been resolved on the spot management needs to know that too.

The third would be that once a complaint has been lodged it should have a life of its own. It should not be cancelled just because the complainant has moved out of the criminal justice system, as will often happen. A complaint needs to be looked at on its merits and be dismissed or acted upon, because there may be a public interest at stake. If it cannot be resolved in the absence of the complainant, that fact should be noted.

The fourth would be that management should take an active interest in the information it receives. Every organisation should have a designated official whose responsibility it is to collate the information about complaints, establish patterns of complaints for management's attention and check that action has been taken, case by case, when it is called for.

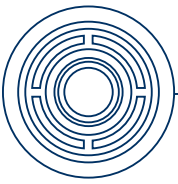
These are some of the issues which Inspectors examined in the course of this inspection.

Youth Justice Agency



In association with

- 2.1 The YJA had a complaints charter, complaints leaflet and a complaints form. All of these had been introduced in October 2006 following extensive consultation on the formulation of a YJA complaints charter. The charter is detailed and comprehensive and needs time to be fully embedded in the whole YJA. A search in the publications section of the YJA website gave access to the charter but there was no easily visible link from the main web page to information about the complaints process or to the charter. The charter stated that at the first meeting between clients and staff complaints leaflets are handed to young people and their parent/guardian/carer, and the process is explained. A separate policy document in relation to complaints involving child protection issues had also been developed and implemented.
- 2.2 Complaints could be communicated verbally (telephone or in person), written, or by e-mail and in the case of YJA Community Services in South Belfast, by text.
- 2.3 There were three internal stages of complaint (Figure 1), with external scrutiny through an Independent Complaints Reviewer (ICR). The YJA signed a Service Level Agreement (SLA) on the 1st October 2006 with the ICR though at the time of inspection fieldwork the YJA did not yet appear on the ICR website as an organisation it provided a service for. No YJA complaints had been referred to the ICR.
- 2.4 A formal written record of complaint was made at the second stage of the complaints process after the complaint had been raised verbally with a member of staff. There were set targets for answering complaints within time frames (Figure 1), though the process had not yet been tested to any great extent.
- 2.5 A monthly reporting system for complaints was introduced from the end of October 2006. Figures for complaints recorded since then were very low and during the period under inspection there were only two recorded complaints against the whole YJA, (Table 2). Two other complaints had been recorded that were outside the yearly period under inspection and these are included to illustrate the type and frequency of complaints since implementation of the complaints system.
- 2.6 Before October 2006 complaints were not as closely monitored and



those emanating from the Juvenile Justice Centre (JJC) were recorded on young peoples' personal files and not in a complaints register. This adversely affected the availability of easily obtainable complaints statistics. The newly implemented monthly complaints audit/return system should improve this situation.

Derry/Londonderry and South Belfast. Some of these young people had previously been in the Juvenile Justice Centre (JJC) and talked to Inspectors about their experiences there also. Inspectors also spoke with parents of the young people at both locations.

2.10 There had been no recorded complaints against Community

Table 2

Number	Directorate	Nature	Received	Method	Current Status	Step	Resolved
1	Corporate Services	HR - Recruitment	06/10/2006	Verbal	Resolved	2	11/10/2006
2	Custodial Services	Regime	07/10/2006	Written	Resolved	1	07/10/2006
3	Custodial Services	Regime	29/11/2006	Written	Resolved	1	03/12/2006
4	Youth Conference Service	Not receiving proper justice	06/12/2006	Written	Ongoing	2	-

2.7 The YJA had four distinct areas of operation; Community Services; Youth Conferencing; Juvenile Justice Centre; and Corporate Services. Whilst the complaints charter applied to all of these, Inspectors found that the implementation of it varied due in part to the nature of business conducted by each part of the YJA.

Services in the period under inspection (November 2005 to October 2006).


2.8 Within Corporate Services the newly implemented complaints procedures were well known by staff and during the period under inspection only one complaint had been received. That complaint had been dealt with by referring it to management and had been resolved at stage 2 of the process. There had been detailed recording of the complaint and its outcome.

2.11 All of the young people spoken to by Inspectors remembered their initial contract meeting with YJA workers but less than 15% remembered being given information on complaints either verbally or by being given leaflets. This was a recurring theme with most of the young people that Inspectors spoke with.

2.12 Young people working in community projects stated that although they knew they had a right to complain they were unlikely to do so. A variety of reasons were given for this. Many of the young people said that the projects and their workers were very good and they did not have any cause to complain. Some said that if they had any issues they would speak directly with their worker who would sort it out at the time.

Community Services

2.9 Inspectors spoke with young people undertaking projects through YJA Community Services at two locations,



2.13 All the young people spoken to about Community Services said that their community workers were approachable. Some issues such as smoking had been dealt with at the time of complaint which they all said they preferred. These issues had not been formally recorded as a complaint and are illustrative of the type of minor issues that were never escalated to complaint status.

2.14 A parent of a young person undertaking work supervised by Community Services said that she would have raised a complaint when her child was to be allocated a different worker. The circumstances were that the child's worker was due to move to a neighbouring YJA area though would continue to work from the same building. The child's mother felt that a change of worker would be detrimental to her child's continued development. The issue was resolved by allowing an exception to normal YJA policy which was to allocate based on area. No record was made of the issue or method of resolution except in the young person's file. In this case it may have been beneficial to the organisation to record this issue so that consideration could be given to reviewing existing policies. Opportunities for organisational development may be lost by not formally recording such issues.

2.15 Community Services staff followed a standard format for the contract meeting, part of which was giving out the complaint leaflet and talking young people through it. Staff recognised that young people were given a lot of information at the

contract meeting and that it may have been difficult for them to remember it all.

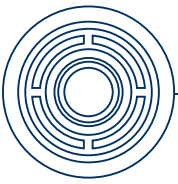
2.16 Some staff said that the level of explanation of the complaints processes at contract meetings varied and that it depended on how comfortable that particular staff member was with the complaints system. It was suggested that in order to illustrate the processes community workers should give examples of complaints and what to do about them. Some had already adopted this method and had found it to be successful.

2.17 Inspectors were told of a scheme to enable young people to text any complaints they may have to the South Belfast Community Services. No complaints had yet been received by this means but any initiative that widens the opportunity for complaints information to be gathered using a medium that is in widespread use by young people is to be welcomed.

Youth Conference Service

2.18 Generally, the complaints process was not explained at the beginning of the youth conference as it had been dealt with earlier in the process at the first meeting between the young person and YJA staff.

2.19 There had been only one complaint against youth conferencing in the period under inspection and it was still a live case. At the time of inspection fieldwork the complaint was still in the first stage.



2.20 The nature of a conference and the preparation before it meant that many issues were resolved by the co-ordinator at the time. Any issues raised that did not amount to complaints were recorded in the personal case files. Views of the victims and perpetrators were sought by surveying every tenth referral though there was no specific question about complaints on the survey.

2.21 Police attended all conferences and any complaint against them would be referred through the normal police complaints procedure. Minor issues raised about the police at the conference would be dealt with by the coordinator.

2.22 An inspection report on the Youth Conference Service will be published by CJI in autumn 2007.

Juvenile Justice Centre

2.23 The provision for custody of children was being undertaken on a single site at the Juvenile Justice Centre at Rathgael in Bangor. At the time of this inspection fieldwork the Social Services Inspectorate (SSI) was carrying out an unannounced inspection of the centre. Complaints at the JJC had been extensively commented on by the Northern Ireland Human Rights Commission³ and recommendations were made to introduce an independent complaints system.

2.24 In a previous inspection of the centre by CJI⁴ it was reported that, "The need for an "independent person" to monitor

the process of the complaint was identified.... It is expected that the draft Child Protection Procedures and Complaints Charter which are in process of consultation, will address the plan to include people with the specific remit to oversee referrals from an independent stand point". Since then there has been good progress in appointing the ICR as the independent oversight body for complaints against the YJA.


Results of fieldwork with young people

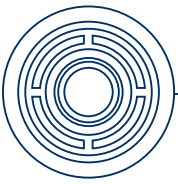
2.25 Most young people currently resident in the centre who completed questionnaires or who engaged with the inspection team during focus groups said that they had been informed that they could make a complaint. Most had been told by a member of centre staff. Only a third of former residents who completed a questionnaire said that whilst they had been at the centre they had been informed that they could make a complaint.

2.26 Of those who responded to our questionnaires less than half of current residents and none of the former residents remembered being given any complaints literature whilst at the centre. Whether or not the information was being passed to young people (which Inspectors believed was being done) there were issues over their retention of it. Being told once about the complaints process in a period of several months may not have been enough to ensure that young people remained aware of their right to raise issues and complain. This was the case despite

³ Still in our care; Protecting children's rights in custody in Northern Ireland, September 2006

⁴ Inspection of the Juvenile Justice Centre (Northern Ireland) October 2004

- 
- the provision of leaflets detailing information on complaints to all young people during their induction at the centre.
- 2.27 Young people told Inspectors that to make a complaint they had to request a complaint form from a staff member. When they asked for a form they were often asked to explain the nature of their complaint and there could be a delay, sometimes overnight, before a complaint form was given to them. Staff stated that they often asked the nature of a young person's complaint so that they could have the opportunity to deal with it at the time if possible. This was an example of the intentions of staff being misinterpreted by the young people but also illustrated that young people were not aware of the finer details of the YJA complaints procedure. This was despite information being given to young people on arrival at the JJC and the information that was displayed in each of the units.
- 2.28 Young people told Inspectors that staff dealt with complaints in different ways, either by recording or by trying to resolve them. Young people believed that how a complaint is dealt with could depend on the complaint itself or on the young person.
- 2.29 Young people also raised the issue of the lack of confidentiality of complaints or issues at the centre. They stated that completed complaint forms could be read by any member of staff.
- 2.30 Delays in the complaints system were also mentioned by young people. Many said they experienced a delay when initially asking for a complaint form and some stated that by the time a form was supplied they had moved on from what had happened.
- 2.31 Young people said that there were often delays in being supplied with a complaint form when complaints were made to staff in the heat of the moment. The time it took to deal with a complaint was also raised as was the lack of communication about the status of a complaint.
- 2.32 Only two of the young people resident at the time of the visit said that they had made a complaint in the last year. One stated that the complaint had not yet been sorted out and the other did not know what the outcome of the complaint was. The complaints charter provided for a feedback mechanism and at the time of inspection staff at the JJC were aware of it and stated that they were implementing it.
- 2.33 Young people spoke positively of some staff at the centre and said that they would wait until they came on duty to raise issues because they had confidence that something would be done.
- 2.34 Young people who participated in interviews/focus groups expressed very little confidence in the current complaints system within the JJC, repeatedly stating that there was 'no point' in making a complaint as nothing positive ever happened as a result of them and complaints were not taken seriously. "[staff] could just



shred them; they don't get back to us about it"

2.35 When asked, in a questionnaire, had they ever wanted to make a complaint but had not actually done so, 54% of current residents and 89% of ex-residents replied 'yes'. When asked why this was the case, the most common responses were *'there's no point - no-one listens'* and *'I was scared I'd make things worse/get in trouble'*.

2.36 Repeated reference was made in both questionnaires and focus groups to a fear of negative treatment by staff, in particular the receipt of an adverse report, and a perception (likely fuelled by an absence of feedback and reactions to previous issues raised) that staff do not actually act on any complaints that are made. In response to the question, "Why do you not complain?" young people said,

"No point No point Noooooooooo point.."

"When we complain, we get an adverse."

"[I] wouldn't complain about anything – couldn't be bothered – it wouldn't make any difference."

"They write stuff down and throw it away."

"You get a bad name if you tout."

2.37 Common issues that the young people said they would raise if they


thought there was any point included; smoking – *"If staff are allowed to smoke, we should be allowed to"* bedtimes, food, condition of room, restrictions on visiting, different rules for males and females – *"Girls aren't allowed to mix with other units but boys can."* These were often issues of centre rules, for example, the centre is completely no-smoking which includes staff and visitors.

2.38 The Independent Representation Project is a service provided by Northern Ireland Association for the Care and Resettlement of Offenders, (NIACRO). Independent Representatives, (IRs), work *"with children and young people who offend. Volunteers visit the Juvenile Justice Centre...each week, making themselves available for any young person who wants to discuss an issue or raise concerns. The volunteers will raise these concerns with staff and management in an effort to have them resolved."*

The IR scheme is not a complaints scheme in itself, it is there in support of and to facilitate the existing JJC complaints system.

2.39 The role of Independent Representatives (IRs) was primarily explored within the context of interviews/focus groups with current residents. Most, but not all, of the young people who participated in these were aware of the existence of IRs, but many said they were unclear about their actual role within the centre: *"They don't tell you why they are here."*

⁵ Quotation from the NIACRO website (<http://www.niacro.co.uk/our-services/working-with-children-and-young-people-who-offend/projects/4/the-independent-representation-project/>)



2.40 Whilst there appeared to be a general understanding that IRs were meant to support young people in the raising of complaints, there also appeared to be very little knowledge or experience of this actually happening to any effect:

“IR? Meant to complain on your behalf but do nothing for you.”

“Don’t listen when you complain.”

“No point talking to them ‘cos they don’t do anything.”

2.41 One young person spoke of a positive experience of raising an issue and having it resolved through an IR and was supportive of the work carried out by IRs. Other young people were less positive in their discussion of this role. A number of young people said that they felt IRs “looked down” on them and/or “didn’t understand” them. A number also made reference to the inconsistency in personnel (different volunteers visiting at different times) and the difficulties this posed with regard to building relationships and trust. A few also mentioned a perceived lack of confidentiality within the service, based on a perception that IRs made their notes available to centre staff.

2.42 Furthermore, when asked how often they had the chance to see an IR, most young people said they had only had limited opportunity, stating that IRs only appeared on a periodic basis:

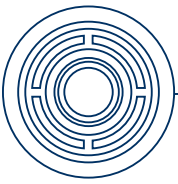
“I’ve been here 3 months and not seen an IR.”

“I’ve met them once in 6 weeks.”

2.43 Generally, the young people found it difficult to understand why from their point of view some of their issues were not resolved. They then viewed the IR system as ineffective. The IRs, who were volunteers and organised through NIACRO, attended the JJC weekly and listened to issues or concerns raised by the young people. The young people did not know whether IRs had monitored how these concerns were dealt with though JJC and NIACRO management met regularly to discuss issues raised by the young people.

2.44 In addition to the attendance of IRs there was now an advocacy scheme available to young people at the JJC delivered through NIACRO. At the time of inspection this had been used only once. Inspectors were in no doubt that IRs were performing a very useful task at the JJC and that some young people had positive views about the volunteers and the work they had done. However, when visits were made by the IRs the young people were unsure whether they were JJC staff members or not. This may partly explain the perceived lack of IR presence at the JJC amongst most of the young people.

2.45 IRs had built up a good working relationship with JJC staff which had facilitated their role with the young people. For the IRs to build up a trusting relationship with the young people was very difficult in the context of a population of young people within the JJC that was constantly changing. However, it is important that when IRs attend the centre that they continually explain their role and their independence to



the young people. The YJA were actively engaged with external organisations and individuals. This should continue to be further developed with a view to providing a more broadly based support network for young complainants based on their needs.

Young people at the JJC and other agencies

- 2.46 Although the primary focus of this section of the review was on the internal complaints procedures of the JJC, the young people were also asked about their views on, and experiences of, making complaints about other agencies whilst resident in the centre.
- 2.47 Most of the young people said that they would have liked to complain about how they had been treated by the police (in terms of the degree of restraint used and/or discriminatory attitudes and actions) but did not because they felt they wouldn't be believed. Only a few of the young people had heard about OPONI and those that had did not realise that it was independent of the police. There had been two instances of complaints about the police being raised by young people whilst at the JJC (not part of the group seen during fieldwork) that the JJC had assisted with in referring the matters to OPONI.
- 2.48 A further critical issue raised by the young people who participated in interviews/focus groups was that of 'credibility'. Young people stated that they felt people in authority did not acknowledge or believe their

complaints because of their offending behaviour: "[they] think I'm dishonest 'cos I'm here".

- 2.49 Young people explained that they felt this bias was particularly apparent when it was their word against that of a professional or other adult, both within the centre or outside. Many made reference to staff in residential units, police or social workers automatically being assumed to be the credible party in any dispute or conflict, simply because the young person had a criminal record and was therefore deemed untrustworthy: "[people] don't believe us just 'cos we've done a bit of stealing or whatever".

Improvements

- 2.50 The young people who participated in interviews/focus groups were asked to consider ways in which they felt the current complaints system could be improved. A number of concrete suggestions were offered in response to this:
- Ensure complaint forms are easily accessible – without having to request them from staff.
 - Ensure completed forms can be confidentially given to one person, without other members of staff being able to see them.
 - Ensure there is someone available who is approachable and accessible and who will listen to a young person and genuinely support them in raising, and seeing through, a complaint. Ideally, the young people would like this to be someone young, with an understanding of what it feels like to be in their position.

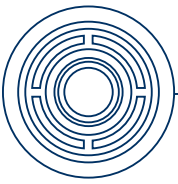
- Ensure consistency in the implementation of complaints procedures across different units within the JJC.

Other information

- 2.51 Staff at the Juvenile Justice Centre were aware of the new complaints procedures in place and the recording method. Encouragingly, most staff said that they tried to deal pragmatically with any issues raised by the young people at the time or to find out the reasons for complaint. Any issues that were dealt with informally in this way were not recorded as a formal complaint but were logged in the house log book for the information of other staff. Inspectors found staff to be open to issues or complaints being raised with them and it was clear that staff saw their role as sorting out any issues that a young person may raise as quickly and as practically as possible.
- 2.52 Staff said that there could be a slight delay in getting a complaint form to a young person depending on what was happening in the unit at the time. None of the staff were aware of a young person having to wait overnight to be supplied with a form.
- 2.53 The general approach of staff at the centre was to deal with each issue raised as it emerged rather than resort to the use of a complaint form in the first instance. This is in accordance with the YJA complaints charter and it is commendable in that many potential complainants that Inspectors spoke to identified this approach as their preferred option. However, the fact that many issues

were not being recorded in the complaints register may mean the loss developmental information for the JJC and may partly explain the low level of recorded complaints.

- 2.54 The YJA complaints charter, introduced in October 2006 encourages resolution of minor, domestic or service delivery issues at the first stage, “talk to a member of staff”. Inspectors found that this system of informal resolution was working well at the JJC though there was no formal recording of these types of issues other than in the house log book. However, in a custodial context it is important that a complaints system gives young people an option of lodging a complaint without first discussing it with staff, thereby bypassing the first stage in the current complaints charter.
- 2.55 Common issues raised by young people at the centre are smoking, food, and bedding. NIACRO had set up a food committee to assist in dealing with food related issues at the centre though young people spoken to at the centre by Inspectors did not know about this. NIACRO had found that Health and Safety issues had been cited by the JJC as some of the reasons for not being able to resolve some complaints.
- 2.56 The complaints charter clearly sets out procedures for dealing with complaints. The charter states that procedures ‘*will be explained appropriate to the young persons’ needs and repeated periodically, contact cards will be made widely available, and that support for the young person will be*



welcomed and encouraged'. However, in the context of a complaint charter that was introduced in October 2006 and that Inspectors found to be not yet fully implemented across all the business activities of the YJA the following recommendations are made to improve complaints handling.


- 2.57 None of these recommendations should be taken to prevent a young person from approaching a member of staff directly with any issue. Neither should any recommendation be taken to discourage members of staff from attempting to resolve issues raised in this manner if it is appropriate to do so. However, all complaint forms that are submitted should be registered by a person designated as 'complaints officer' who should decide on the most appropriate action to ensure maximum objectivity.

YJA Recommendations

- It is recommended that the YJA complaints charter should be fully implemented and that particular emphasis should be given to:
 - i Ensuring that young people are informed about the complaints procedure during induction and throughout their period of contact with any of the business operations of the YJA.
 - ii Ensuring that there is adequate and appropriate support for young persons who make complaints.
- Explanations of complaint procedures should be facilitative, using examples of what may constitute a complaint

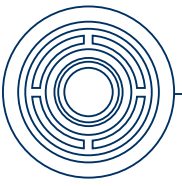
to ensure that young people understand the information being shared with them. Confirmation that this process has occurred should be officially recorded and signed by both the young person and the member of staff responsible for facilitating the process.

- Complaints awareness work should be increased so that young people are always aware of how to exercise their right to complain. In the context of young people in custody at the JJC this may best be achieved by using an appropriate independent organisation.
- The YJA should ensure that written information about the complaints procedure is always given to a young person during their first encounter with YJA staff. This should be provided in a youth-friendly format. Consideration should also be given to the provision of such material in alternative formats where necessary or beneficial (e.g. where English is not the young person's first language).
- Written information about the complaints procedures (e.g. posters) should be permanently displayed at key locations in all YJA premises. This should also be in a format that is both accessible and understandable to young people.
- Complaint forms should be directly accessible to all young people having contact with the YJA. In the JJC, forms, together with sealable envelopes, should be freely available in a place where young people can easily access them without having to ask staff. Complaints made in this



way should be dealt with in confidence and should be registered by the receiving officer.

- Young peoples' views should form part of a regular wider review and revision of support systems for complainants. This should include full consultation with all service users, complainants' satisfaction surveys and integration of results from the recently implemented auditing of complaints.
- The YJA should communicate the results of their recently implemented audit procedures for complaints to all service users in a format that is easily understood and accessible. Results of complaints detailing the issues raised and how they were resolved should be displayed in prominent positions in all YJA premises and in each of the units at the JJC.



Police Complaints and The Police Ombudsman



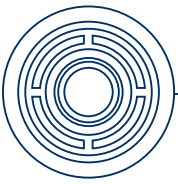
Complaints against PSNI

- 3.1 Except for complaints concerning the 'direction and control of the Police Service by the Chief Constable' all complaints against the PSNI were dealt with by the Office of the Police Ombudsman (OPONI). This complaints process was a unique one for police services anywhere and had been operational since 6th November 2000. OPONI were the subject of inspection by CJI and a positive report was published in December 2005⁶ with a review due to take place in June 2007.
- 3.2 OPONI monitored many aspects of complaints against the police and these were reported on annually. For example, complainants against the police were surveyed as to their views on services provided by OPONI. The latest survey covering the period from April 2005 to March 2006⁷ reported that 62% of respondents thought that they were treated fairly by OPONI and that 58% were satisfied or very satisfied with the service they had received. The office also conducted research into public awareness of the police complaints system, complainant non-cooperation, and reports on equality monitoring⁸.
- 3.3 On a yearly basis OPONI received on average between 3000 and 3500 complaints about the police resulting in over 5000 allegations. Complaints figures were laid before parliament in the OPONI Annual Report. Figures for the yearly period under inspection (November 2005 – October 2006) had not been published but early indications were that the number of complaints would remain within the range above.
- 3.4 Police complaints made up by far the largest number of complaints in the CJS. The total number of complaints received by all the other main organisations in the period under inspection added up to less than 1500 of which around 1300 were against NIPS. As would be expected the amount and depth of monitoring of the police complaints process was on a different level to the other organisations inspected.

6 The Office of The Police Ombudsman for Northern Ireland (December 2005)


7 OPONI Complainant Satisfaction Survey 2005/06

8 All reports available at OPONI website: <http://www.policeombudsman.org/publication.cfm>



- 3.5 As in other CJOs there was evidence to suggest that there were some low level issues not seen as complaints that were being resolved by police officers at the point of contact. However, this was not a widespread or serious problem and all the police officers spoken to during the inspection stated that they were very aware of the need to deal with any complaint by referring it to OPONI. Officers in the PSNI Professional Standards Department (PSD) were very confident that this is happening. Officers spoken to stated that they explained the complaints process to any potential complainant. However, officers also stated that they often asked the person who was raising an issue whether they, 'wish to make a formal complaint' and that if they did not then the officer would try to resolve the issue.
- 3.6 A similar matter arose when contact was made with some District Commanders who responded to matters raised. If the complainant was not satisfied with the steps taken by the Commander then it was referred to OPONI. Inspectors were told by PSD that in one such case the PSNI had been asked by OPONI to explain why the issue was not forwarded to them in the first instance.
- 3.7 Whether issues that did not amount to complaints were recorded in any way was often dependent on the individual officer. Whilst issues resolved at the point of contact had entered the PSNI at a local level there was no formal recording process feeding into organisational learning and development. It is recognised that issues handled thus were less likely to amount to critical learning for an organisation and that the District Command Unit (DCU) reporting and meeting structures registered those issues that did.
- 3.8 The decision as to what constitutes a complaint that should be investigated rested with the Police Ombudsman and legislation is clear that all complaints received initially by the PSNI must be recorded and forwarded to OPONI. Issues that were outside the remit of OPONI to investigate (para 3.15) were subject to a clear process of investigation by PSNI. In such cases a Detective Superintendent appointed to the case determined what investigation was required.
- 3.9 After having been received by OPONI some complaints may be deemed suitable for 'informal resolution', which meant that the process was undertaken by the police but overseen by OPONI. The term 'informal resolution' could be misleading as it remained a formal and well monitored process. However, OPONI had recommended that the term should be changed to the Home Office Affairs Committee recommendation of 'local resolution'⁹ to indicate more accurately that it was a serious procedure. The concept was that in less serious cases OPONI would seek agreement from the complainant to attempt to resolve the complaint by informal resolution. If there was agreement a

⁹ 'An evaluation of Police-Led Informal Resolution of Police Complaints in Northern Ireland' The Complainants Perspective, OPONI, December 2005



senior police officer was appointed to try to resolve the complaint. Complainants had at all stages the right to ask OPONI to deal with the complaint. OPONI had leaflets available explaining the process and these were also available on its website. If the complaint was resolved by the police a record of outcome was forwarded to OPONI who then informed the complainant.

3.10 75% of all cases passed to the police for informal resolution were dealt with successfully and did not require further intervention by OPONI which reflected positively on the professionalism of the PSNI investigation processes. However, in an OPONI evaluation of informal resolution¹⁰, 73% of respondents felt that the process should be handled by people who are independent of the police and 59% felt that the process should be improved or replaced. The same report indicated that the majority of respondents agreed (40% agreeing and 26% strongly agreeing) that the police officer had taken their complaint seriously.

3.11 OPONI was in the process of developing an alternative complaint handling process based on mediation. This development was commented on favourably in our inspection report of OPONI and also by the Northern Ireland Affairs Committee¹¹. Early mediation has the potential to deal more effectively with less serious complaints without a

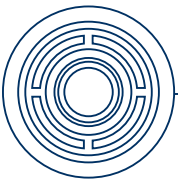
sometimes lengthy investigation process, something that complainants spoken to by Inspectors identified as important to them. However, this requires legislative change to enable OPONI to engage in mediation before any formal investigation. During 2007 OPONI plans to conduct and learn from a mediation pilot scheme involving a small number of less serious complaints. OPONI is also consulting on the effectiveness of the whole police complaints system as part of its statutory five-year review and a report is expected later this year.

Complaints against OPONI

3.12 Complaints of maladministration against OPONI were the responsibility of the Chief Executive. The process of making a complaint was explained on their general complaints leaflet as well as on a separate, more detailed leaflet. Complaints were registered within three days and the target for response was within 20 working days. All complaints against OPONI were overseen by the Chief Executive. Complaints concerning policy and procedures were investigated by the appropriate director whilst complaints against specific members of staff were investigated by supervisors or line managers, who then reported to the appropriate director. If complainants were not satisfied with the explanation given by the Chief Executive they can complain directly to the Secretary of

¹⁰ 'An evaluation of Police-Led Informal Resolution of Police Complaints in Northern Ireland' The Complainants Perspective, OPONI, December 2005

¹¹ 'An evaluation of Police-Led Informal Resolution of Police Complaints in Northern Ireland' The Complainants Perspective, OPONI, December 2005



State enclosing the Chief Executive's response and indicating the areas with which they still take issue.

3.13 Since its inception in November 2000 OPONI has had forty three complaints of which six were ongoing. In the period under inspection the office received a total of sixteen complaints of which four were still ongoing. The officer dealing with all of these complaints was the Chief Executive.

3.14 Decisions of the Police Ombudsman may be subject to applications for a Judicial Review. There have been twenty five such applications during the life of the organisation three of which were still ongoing. No Judicial Reviews had been found against the Police Ombudsman.

3.15 Complainants against OPONI expressed satisfaction with some aspects of their experience with the organisation and dissatisfaction with others. One of the issues raised with Inspectors was that of complaints that were outside the remit of OPONI. In these cases some complainants felt that there was no independent avenue for them to have their complaints heard. Issues that were outside the remit of OPONI included:

- complaints about off duty officers unless the fact that they are police officers is relevant to the complaint; complaints made outside the statutory time limit (within one year from the incident);

- where the complaint raised had already led to criminal or disciplinary action unless new evidence is available; and,
- complaints about employees of the police who are not police officers.

3.16 Another issue raised with Inspectors was some lack of communication from OPONI, "*I could have moved on if they had told me earlier that there was no more that could be done, I was left hanging on*". Most of the complainants that Inspectors spoke with said that they had seen an improvement in communication over the last couple of years and Inspectors found that OPONI had met its targets for responding to complaints against itself in all cases opened during the period under inspection.

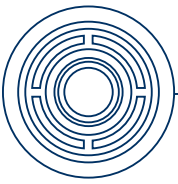
3.17 Communication with complainants was normally by letter although the Chief Executive and the Police Ombudsman had visited complainants in person when it was felt that it would assist the process. Complainants that Inspectors spoke with saw this as useful and felt that it helped their understanding of the processes involved, even in circumstances where they were dissatisfied with the outcome.

3.18 All OPONI complaints information was available on their website in English, Mandarin, Irish and Ulster Scots as well as being available on audio tape for those people with impaired vision. People may complete a complaints form on-line which was available in any of these languages.



Public Prosecution Service

- 4.1 During the period under inspection the PPS had received a total of only 69 complaints of which 64 had been resolved. These figures are low when compared with the number of cases handled by the PPS on a yearly basis (20,000 during 2004-2005). There was a clear link from the main PPS web page to information about their complaints process. The information included a guide to making a complaint, an on-line complaints form and a separate booklet giving details about the system of independent assessment of complaints against the PPS.
- 4.2 There was a clear definition of what constituted a complaint, '*Any communication which expresses dissatisfaction with, or criticism of the services provided to the community by the PPS, is considered by the PPS as a complaint.*' Excluded from the complaints process were those issues that related to prosecution decisions. These matters were dealt with by way of a review process similar to the complaints process except that there was no independent oversight. Reviews could only be conducted in cases where a decision had been taken not to prosecute. There have recently been a number of high profile cases in which the PPS have been asked to review their decisions.
- 4.3 The PPS complaints system was administered through the Community Liaison Department. Complaints could be made in person, verbally, by telephone, fax, letter, or by email. The PPS had set a target for providing a response to a written complaint of within 5 working days. They aimed to provide a full response to complainants within 15 working days. If the complainant was not satisfied with the handling of the complaint then the PPS forwarded it to the Independent Assessor of Complaints (IAC) for external oversight.
- 4.4 The IAC was appointed when the PPS was launched in June 2005. Only complaints that had exhausted the PPS internal procedures could be dealt with by the IAC and the remit involved determining the fairness, thoroughness, and impartiality of how complaints were handled. In doing so the IAC could make recommendations for change to the Director of Public Prosecutions (DPP) who was obliged to respond. However, changes could not be imposed. The IAC reviewed around one third of all complaints made to identify trends and reports annually to the DPP. His first annual report




had just been published and had been made available on the PPS website.

- 4.5 Although reviews of prosecutorial decisions did not form part of this inspection, Inspectors were given access to all PPS complaint and review files from which a selection were examined. The procedures for dealing with complaints were virtually the same as those for conducting reviews and senior regional prosecutors often had the responsibility of investigating complaints and assessing requests for reviews. Complaint files were generally of a good standard and correspondence with complainants had been well recorded. In some cases Inspectors found instances of letters sent to complainants that resulted in clarification being sought due to the complexity of language used and this reflects concerns expressed to Inspectors by many complainants.
- 4.6 Nine of the recorded complaints had been upheld and four had been partially upheld. Eighty one percent of these complaints had been made by letter whilst none had been made verbally or had been faxed. Only 42% of complaints were responded to within the target time of five working days whilst just over 49% were completed within the target of 15 working days. Senior staff said that the targets were stretching and often were not achieved as a full investigation often took longer than the 15 days allocated. When examining case files, Inspectors found that when investigations took longer than the allocated 15 days that complainants had been contacted,

usually by letter, to explain the circumstances of the delay and apologising for it.

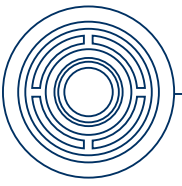
- 4.7 The Departmental Records and Information Management Department analysed the complaints and reported to the Deputy Director. Detailed records of the outcomes of complaints were kept and it was also possible to determine whether the complaints incorporated a request for review of prosecutorial decision. Of the 69 complaints made in the period under inspection, six also included a request for a review. The Deputy Director also met with the IAC every six months to review trends and lessons learned as a result of complaints. Only one complaint had been referred to the IAC for oversight and this had not been upheld in the complainant's favour.
- 4.8 Lessons learned were communicated to relevant persons by their line managers but there were no internal publications or information on display relating specifically to complaints that had been received and dealt with. If lessons learned were of general interest line managers circulated the information to all staff. Inspectors found that some internal PPS procedures had been changed as a result of complaints received and that the organisation was keen to learn from information gathered from the complaints system. To make further use of the learning potential of complaints
- 4.9 No data had been collected to enable complaints to be analysed by way of the Section 75 categories. Whilst internal tracking and trending did take



place there was no system in place to survey complainants as to their levels of satisfaction with the services provided. Communication with complainants was limited to letters of reply to specific complaints or to requests for clarification. To further develop its complaints processes the PPS should survey complainants and other customers as regards their satisfaction levels and their awareness of procedures

PPS Recommendations

- It is recommended that the PPS should review its communication processes with complainants to ensure that correspondence is provided in an appropriate format and is easily understood.
- It is recommended that the PPS monitors its performance in responding to complainants and completing investigations within the time limits to improve its service to customers.
- It is recommended that the PPS should introduce a system of keeping all staff informed and updated of complaints made against the organisation by publishing or displaying anonymised complaints and any learning outcomes.
- It is recommended that the PPS introduce a system of collecting demographic data from complainants to enable it to undertake Section 75 monitoring of the application of its complaints system.





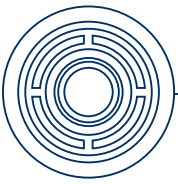
Northern Ireland Court Service

5.1 The Northern Ireland Court Service (NICtS) complaints system was reviewed and reported on internally in September 2005. The service provided leaflets that explained the procedures for making a complaint which Inspectors found to be readily available in each of the courts visited. This information was displayed only in English but alongside the leaflets there was a notice explaining that information could be provided in different formats. Information on complaints was available on the NICtS website, including a statement of intent, complaint form and the complaint leaflet which forms part of the Courts' Charter. Once again this information was available in English only. Each court also had a 'court user notice' held at reception and available in English, Russian, Polish, Lithuanian, Latvian and Portuguese. Staff could access the notices through the internal intranet and could print them for customers. The user notice contained a brief outline of the complaints procedure.

5.2 There was a clear definition of a complaint: *'A written or spoken expression of dissatisfaction with the service provided'*, and this was explained to customers on the complaints leaflet and had been

communicated to staff by a 'Complaints Update Newsletter'. The complaints system did not include complaints about the judiciary or about solicitors. However, the complaints leaflet gave advice to customers on how to pursue such matters. Customers spoken to by Inspectors were clear about what they could complain to the Court Service about. Court staff were also clear about their role in the complaints system and followed the service procedure in recording verbal complaints. Staff stated that there had been an improvement in information given to them about complaints over the past year and that they would record most issues brought to their attention by referring to their Customer Services Officer. Staff said that some very minor issues may not be recorded if they could be resolved by simple explanation at the time.

5.3 A complaint could be made in writing, by e-mail, by fax, online, in person, or by telephone. Complainants most frequently complained in writing (36%), whilst the least frequently used method was by fax (0.5%). The NICtS complaints leaflet encouraged complainants to talk to appropriate members of staff who should log the



complaint. If the complaint was informal they were registered locally and there was no central monitoring process. However, if the complaint could not be resolved on the spot it was recorded and entered Step 1 of the formal process. The target was to answer each stage of the complaint process within 15 working days.

5.4 The complaints handling system enabled the recording of low level informal complaints or issues and Inspectors found that this was working well at a local level. Each court had its own register of issues that were addressed informally, and included comments submitted to the court by way of a 'comments and suggestions' card. This local process was managed by a Customer Services Manager and local issues were shared at a Divisional Customer forum. Although names of persons raising issues were recorded when appropriate there was no record of details that allowed a breakdown of data by the categories listed under Section 75.

5.5 Whilst there was still potential for some uncertainty over whether a matter raised fell within the NICtS definition of a complaint, the fact that there was a system in place enabling the recording of low level issues meant that should the issue prove unsuitable for local resolution it was escalated to complaint status at Step 1 and entered the formal complaint process.

5.6 Table 3 sets out some examples of the types of issues raised and resolved at a local level. In a busy court such as Londonderry an average of around 40 to 50 issues a year are raised, resolved and recorded in this way. The table illustrates the nature of issues that are rightly dealt with at the point of contact and recorded in a system that enabled local organisational development. The majority of these issues never amounted to a formal complaint but nevertheless are available to management.

5.7 Once an issue entered the formal complaint process it was overseen by the NICtS Information Centre. Complaints information was analysed and supplied quarterly as management information to the Service Improvement Team. Complaints statistics were published on the NICtS website but had not formed part of the NICtS annual report. Complaints were analysed by category, business area, courthouse and how made. Category analysis had been improved by the addition of additional categories in April 2005. However, demographic information was not being collected that would enable disaggregation of the complaints data by way of Section 75 categories.

5.8 During the period November 2005 to October 2006 the NICtS received a total of 150 formal complaints. Of these, 139 (93%) were answered within the target time and 46 complaints (31%) were answered within one working day. The average time taken to provide a response was six working days.



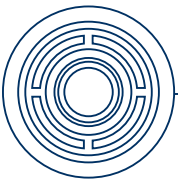
Table 3

How Difficulty Encountered	Date Received	Nature of Difficulty	Action Taken
Counter	3.10.05	Kept waiting as witness in criminal case.	Given an apology and advised that the prosecutor should have kept him informed of any developments. Plasma screens have been updated as a result.
Phone	11.10.05	Difficulty with date given for family hearing.	Caller advised that given the circumstances it should not be difficult to get the case adjourned.
Reception Desk	1.12.05	Witness indicated that he has been sitting for 1 hour with no update as to what is happening.	Court Officer checked position with court clerk, case still to be called. No indication given by P/D if case is proceeding as contest.
In Court	13.12.05	Small Claim query.	Advised that if he is successful in case, payment should be made by respondent in a reasonable time, if payment not received, he could extract decree.
Phone	30.12.05	Didn't appear in court and wanted to find his next remand date.	Defendant advised when he is next up and he must attend as per OBS.
Counter	3.1.06	Difficulty with accommodation in trial.	Arrangements put in place to use Children's' room, very close to Court 4.
Phone	16.2.06	Defendant hasn't received his licence back, handed in at court in Dec 05.	15/7s checked to ensure that licence received and sent to DVLNI. Def then advised that lice was sent to DVLNI on 3.1.06 and to allow 8 weeks for endorsing of same.
By phone	1.3.06	Legal Aid certs haven't been processed.	Records checked, confirmed that cert had been sent to LSC however duplicate prepared and issued.
By phone	15.3.06	Trying to locate her absolute.	File checked and it transpired that applicant had changed address since absolute was issued. Duplicate prepared and sent out.
By Phone	31.5.06	Aggrieved that press have been moved out of their usual spot in court.	Invited to meet with CA in court to discuss the issue and make alternative arrangements.

5.9 As part of the improved complaints procedures the NICtS Information Centre sent questionnaires to complainants to obtain their comments about the service they received. These questionnaires were sent out with letters of response and

a pre-paid return envelope was included from August 2006 as a result of feedback from the Charter mark process. At the time of inspection fieldwork returns had been low and no meaningful analysis had been possible.





5.10 Inspectors found that the system of complaints handling in the NICtS had been improved by internal review, customer feedback, and through the Charter mark process. Whilst numbers of complaints were low considering how often each business area interfaced with customers, the information gained from the process was being used to drive business improvement. The head of the Business Support Group was supplied with quarterly complaints statistics for consideration and discussion with Court Administrators. Complaints had been included as an agenda item on the Customer Services Board.

Northern Ireland Court Service Recommendations

- It is recommended that NICtS should regularly inform and update staff on their obligations to record information under its complaints handling system.
- It is recommended that NICtS introduce a system of collecting demographic data from complainants to enable it to undertake Section 75 monitoring of the application of its complaints system.



Northern Ireland Prison Service

- 6.1 NIPS had a three stage internal complaints process with external oversight by the Prisoner Ombudsman (PO). However, the intention is to change this to a two stage process whilst retaining the independent oversight element. Complainants were encouraged to use the NIPS internal complaints system first, failing this, they could complain, within 30 days of the final internal reply, to the PO. Applications to the PO were in writing or on an application form or via direct contact by telephone. If the Ombudsman conducted an investigation, a draft investigation report, with any recommendations, was sent to the complainant and to NIPS for comment.
- 6.2 Table 4 shows the figures available for complaints resolved by stage for all NIPS establishments during the period under inspection. The average prison population for the period year November 2005 – 2006 is also shown.
- 6.3 The complaints system was monitored by the Operational Policy department at NIPS headquarters and they had maintained a close professional relationship with the PO. During the period November 2005 to October 2006 a total of 306 complaints recorded by NIPS were forwarded to the PO. Table 5 shows the breakdown of complaints forwarded to the PO by establishment during the period under inspection.

Table 4

Establishment	Complaints resolved Stage 1	Complaints resolved Stage 2	Complaints resolved Stage 3	Complaints to PO	Average prison population
Hydebank Females	94	80	47	10	39.75
Hydebank Young Offenders	77	40	18	4	195.58
Maghaberry	439	149	122	245	767
Magilligan	209	47	46	47	403.5

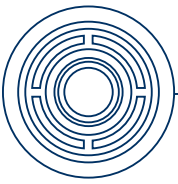



Table 5

Month	Maghaberry	Magilligan	Hydebank Male	Hydebank Female	Total
Nov 05	17	5	0	2	24
Dec 05	18	4	0	1	23
Jan 06	19	5	1	2	27
Feb 06	17	3	0	0	20
Mar 06	34	9	0	0	43
Apr 06	35	1	1	1	38
May 06	15	3	1	2	21
Jun 06	25	3		1	29
Jul 06	10	4	0	1	15
Aug 06	20	6	0	0	26
Sep 06	20	1	0	0	22
Oct 06	15	3	1	0	18
Yearly total	245	47	4	10	306

6.4 The NIPS complaints system has been commented on in previous joint inspection reports¹². Some of our conclusions in those reports were that the complaints system was not operating effectively, (Maghaberry) and that a recently introduced complaints system was not working well, (Hydebank Wood YOC). At the time of inspection fieldwork the system was being moved from being entirely paper based to partially electronic and Inspectors saw the use of the PRISM IT system that should enable better tracking and analysis of complaints. The system was on its way to being fully rolled out but not all staff at the three establishments had been trained. Formal tracking and trending of complaints data to provide management information about complaints was beginning to be implemented.

6.5 Inspectors spoke with prisoners and staff at all three custodial locations, Hydebank, Maghaberry and Magilligan and conducted questionnaire surveys with prisoners. Whilst the complaints system is corporate there were some operational differences in its application across the three establishments. Complaints were seen by some staff as a “waste of time” and although there was positive feedback from prisoners about how some staff dealt with their concerns the general view was that complaints were not taken seriously. Staff have had limited training on the new complaints system since its introduction and the ethos of complaints forming an integral part of organisational development was missing from staff attitudes. A staff training package had been developed and delivered to some officers but to

¹² Women Prisoners in Ash House Hydebank Wood May 2005
Hydebank Wood Prison and Young Offender Centre March 2005
Maghaberry Prison Report May 2006
Magilligan Prison March 2005



ensure that all staff attended the training required active management support at each of the establishments.

6.6 A major area of concern across all three establishments was the lack of confidentiality when raising complaints, especially when they related to members of staff or to other prisoners. NIPS policy was that complaint forms could be accessed directly by prisoners without asking for them. However, complaints forms were often only available on request from officers and many prisoners reported that they were challenged at this stage as to what their complaint was about. Whilst it is understood that officers should take responsibility and attempt to resolve complaints at an early stage it is important that there is facility for prisoners to make complaints in confidence especially as officers stated that they had received limited training in complaints resolution.

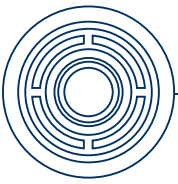
6.7 Third party complaints were poorly catered for. Visitors could write to Governors to raise issues but could not access the internal complaints procedures and prisoners told Inspectors that the process had been slow. The PO had received complaints from prisoners' visitors but had turned them down as being out of remit. Prisoners were using the internal complaints system to report such matters on behalf of their visitors and the PO had investigated these complaints as "*any unfair and unreasonable treatment of a prisoner's visitors could impact on the prisoner's welfare*". Examples were

given of incidents involving visitors which had been raised with establishment management only for the same issues to be repeated some time later. This indicated that policies and procedures had not been changed in the light of visitors' concerns. Prison visits are an important aspect of the well-being of prisoners and the smooth running of the establishments. Recognising that some visitors' complaints had been dealt with by the PO when they were raised by prisoners.

6.8 Leaflets, information and complaint forms were available in English at all three establishments. There were a small number of prisoners in the system whose first language was not English but Inspectors were told by prison management that these numbers are expected to rise. In addition, levels of literacy within the prisons are generally low and Inspectors spoke with prisoners who had received help from other inmates to fill in complaints forms. The Independent Monitoring Board (IMB) at each of the three establishments has responsibilities to satisfy themselves as to the treatment of prisoners but there is no clearly defined role in respect of supporting prisoners who may have these types of communication difficulties. However, some work had been started to address these issues and an interim guidance document for NIPS staff was being prepared.

Hydebank Wood Young Offenders Centre

6.9 Whilst there were positive comments about how most staff dealt with



young people and their concerns and complaints, there was also a feeling of apathy about complaining and negative comments about some staff. This contrasted with later work undertaken at Hydebank Wood during the CJI Resettlement Inspection when there were indications of good prisoner/staff relationships. Young people recognised that some staff dealt with them in different ways, *“Most officers are good – they understand that things are difficult for you and are ok. It’s just some of them.”*

- 6.10 The vast majority of young people said that they had been told of their right to make a complaint. All of those who said they had been informed of this right indicated that they had been told by a member of Hydebank staff. Most did not remember whether they had been told as part of an induction process or in conversation with staff.
- 6.11 All the young people spoken to by members of the inspection team said that during their stay at Hydebank they had wanted to make a complaint but hadn’t done so. Some of the reasons that young people gave as to why they did not make a complaint when they wanted to were;

“Some [prison officers] would make life harder for you if you complained”


“That’s why most people don’t complain – cos they would get it hard”

“I don’t want to cause any trouble or make any hassle for myself, I just want to keep my head down, do my time and get out, so I don’t say anything, don’t complain.”

“You shouldn’t have to make complaints – you should be treated well.”

“They shouldn’t be allowed to do that – they’re here just to lock you up, not to give you a hard time.”

- 6.12 Half of the young people spoken to said that they had not complained because, *‘there’s no point – no-one listens’*. Inspectors were given examples by the young people of how their lives had been made harder by staff after they had complained. Examples included, keeping visitors waiting if they were slightly late so that eventually they were denied access because they were deemed to have been too late for the visit. Another example given was that staff had deliberately taunted and annoyed young people who had complained and when the young person had reacted their privilege level had been dropped.
- 6.13 Inspectors were told of some instances when staff had offered inducements to young people not to make complaints, for example, offering to reinstate their job or to provide a television or Playstation. However, Inspectors were unable to substantiate these claims further.
- 6.14 Staff said that they tried to deal with complaints in the first instance informally, and then if that failed by using the formal recording process. All the staff spoken to said they were aware of the complaints procedure and their role in it. They also said that the types of issues raised by young people were repetitive, for example, prices of telephone calls, and often had been investigated



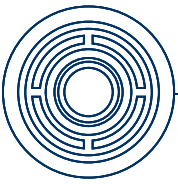
previously. Young people were unaware of the outcomes of previous complaints and there was no information about the results of issues previously investigated on display.

- 6.15 Inspectors asked the young people what they felt a fair complaints system should look like. One of the main areas raised was the present lack of confidentiality. Inspectors were told that access to the complaint forms on each of the landings was in full view of officers and that young people had to ask staff for a form. *“You shouldn’t have to ask one of the screws for a form.”*
- 6.16 Young people were also concerned about handing completed forms back to officers and told Inspectors that receipts were often not given back to them and complaint forms had gone missing after handing them in to an officer. *“Aye, and you shouldn’t have to hand the form in to one of them.”* They said that they would prefer a system that by-passed officers on the landings. *“You would do it through the Governor – be able to go straight to him.”*
- 6.17 An advocacy policy for young people had been developed and implemented at Hydebank in August 2006. The policy complied with the national standards on advocacy and identified support for young people making complaints as part of the role of an advocate. Knowledge of this policy amongst staff was lacking and it would be useful if it could be included in any future staff training on complaints. Young people spoken to by Inspectors were not aware of the

support available to them through the advocacy system when making a complaint. Whilst there is now a system of external oversight of complaints, it is important in a custodial setting that young people are given a voice.

Hydebank Wood – Female prisoners in Ash House

- 6.18 All of the women spoken to by Inspectors said that they had been told of their right to complain, half said that this information had been given to them by a member of staff whilst half said it had come from another prisoner. All of the women said that accessibility to the complaint forms was good. The forms were on display in a box on the landing and they had ready access to them. However, the women raised the issue of confidentiality of the complaint forms they submitted. *“The completed forms are left on the desks and all the staff can read them. I’ve seen them reading them.”* Women were concerned that if the complaint was in relation to another prisoner or a member of staff the lack of confidentiality could be a problem.
- 6.19 The women also said that there were consequences for them of making a complaint, especially if it was against a member of staff, describing ‘an undercurrent’. Women said that there appeared to be an attitude of staff giving some privileges and making you aware of these, thereby holding a constant reminder of their ability to remove them.
- “You can experience threats and blackmail from all levels, for example*



parole dates being highlighted unnecessarily.”

“When you complain you get threats.”

“When you make a complaint you feel like you are stepping on people’s toes and could get the cold shoulder.”


“Things are withheld from you when you make complaints.”

- 6.20 Inspectors were told that some complaint forms had gone missing, for example, when following up matters that had previously been complained about one prisoner was told that no record of the matter could be found. The women also said that the ‘receipt’ section of the complaint form is not always provided to the prisoner.
- 6.21 All of the women spoken to had little confidence in the complaints system or its use to help improve the service. Two prisoners gave examples of complaining about medical negligence and basic health care. The problems raised were rectified and the complaints were not referred to the PO. However, the women had no confidence that the problems would not recur as they believed that the policy leading to the problem had not been changed. Women told Inspectors that they had heard staff say, “*We don’t do complaints*”. Inspectors were told that staff encouraged prisoners not to make complaints but to “*leave it with us*”. However, whether the matters would be resolved depended on the individual member of staff and no records of the issues were made.

- 6.22 Women prisoners expressed a preference for a complaints system that is more confidential especially when complaining about a member of staff. Having to hand completed forms to staff in these circumstances made prisoners less likely to raise concerns.

Maghaberry and Magilligan Prisons

- 6.23 Many of the issues raised by prisoners and staff at Maghaberry were the same as those raised at Magilligan. Most of the prisoners at Magilligan indicated that conditions were less formal than they had experienced at Maghaberry and that issues were more likely to be dealt with on the spot by officers.
- 6.24 All of the prisoners spoken to at both prisons were aware of the complaints process and most were aware of the PO. Most prisoners said that they had been given information about complaints during induction. One prisoner who had difficulty reading said that he could not read the information presented on PowerPoint slides during induction and had found out from other prisoners about how to complain.
- 6.25 Access to complaints forms varied from landing to landing. The forms were available to prisoners without request on some landings whilst on other landings prisoners had to request forms from members of staff. However, even on those landings where access was unrestricted prisoners told Inspectors that there had been instances when forms were not immediately available and they had submitted complaints on blank A4 pieces of paper.



6.26 Some prisoners highlighted problems regarding their ability to read and understand the complaint forms, information and written answers. One prisoner said that he had been getting help from another inmate to complete a complaint form but that when that prisoner had been moved to another landing he was unable to complete the form. He had asked for assistance from staff but had been told that they were too busy. Eventually when he got help from another prisoner on his landing he was outside the time limit for complaining.

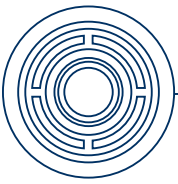
6.27 Prisoners stated that they felt restricted by having to ask for complaint forms and had often been asked by staff what they wanted the forms for. They also felt restricted when complaining against members of staff because these matters had often been dealt with by the staff member's colleagues on the same wing or even by the member of staff complained about. Prisoners indicated that there were certain officers that they felt comfortable in approaching and others who they did not. Officers themselves said that they had not been trained in the handling of complaints and that how issues were dealt with was often dependent on an officer's 'personality and approach'. Prisoners also believed that there were consequences for them if they had complained such as being moved to another wing or being excluded from getting the better jobs.

6.28 Examples were given to Inspectors of instances where complaints forms had gone missing after prisoners had handed them to officers and where

the receipt section of the complaint had not been given back to the prisoner. Some prisoners said that this had resulted in their complaint being deemed to be outside the reporting time limit of 21 days from the date of the incident.

6.29 Prisoners recognised that many complaints that they considered minor in nature were being forwarded to the PO. They gave several reasons for this. Some stated that they had been testing the new system and no matter what reply they had got from using the internal complaints system they had forwarded their complaint to the PO. Some prisoners said that the replies they had got at each stage of the internal process had been repetitive and sketchy and that they had forwarded the matter on because they had no confidence in the internal processes. Other prisoners said that complaints had not been investigated internally and that to get a proper investigation they had forwarded their complaints on to the PO.

6.30 Inspectors examined complaints that had been decided at each stage and it was evident that in most cases Stage 3 of the process had merely repeated assertions made at Stage 2. The planned move to a more streamlined two stage internal process should go some way to alleviating this problem. However, each stage of the process deserves independent investigation and whilst it is understood that outcomes may be the same, the investigative process should reflect the level to which a complaint has been escalated to. Details of the




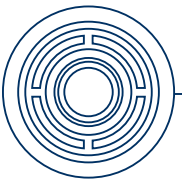
investigation undertaken at each stage should be communicated to the complainant in a way that can easily be understood.

- 6.31 Inspectors spoke with prisoners on all wings including separated prisoners at Maghaberry and those prisoners at Foyleview in Magilligan. The overwhelming attitude of these prisoners was that it was too early to decide on how effective the PO had been but that if there were no changes as a result of the Ombudsman's investigations they would view the process as a waste of time and just another loop in the system. They were unaware of changes that had already been made as a result of the Ombudsman's investigations.
- 6.32 Most staff including some senior management said that many of the complaints lodged were repetitive, minor and a waste of time. An example was given of a complaint about a box of chocolates that went missing that generated a 12-page report. Staff recognised that the written replies at each stage of the process were often limited and did not give sufficient explanation but reiterated that they had received limited training on the complaints handling system. Staff also said that the complaint receipt that is returned to the prisoner often goes missing and suggested that receipts should be stored within the office on each wing. Staff and management recognised that many of the complaints that had been forwarded to the PO could have been dealt with internally.

Northern Ireland Prison Service Recommendations

- It is recommended that the effectiveness of the PRISM IT system in tracking and analysing complaints should be closely monitored and reviewed during its' first year of operation and that management information extracted from it should be provided on a monthly basis for scrutiny by senior management in each prison establishment.
- It is recommended that NIPS implement their training package on the complaints system for all staff supported by establishment management and active supervision of the complaints system as operated by staff on wings and landings.
- It is recommended that NIPS amends its' system to give prisoners unrestricted access to complaint forms and ensures that complaints are lodged and dealt with in confidence.
- It is recommended that NIPS should develop and implement a comprehensive complaints system for visitors along the lines of the existing internal complaints procedures.
- It is recommended that provision should be made for those prisoners that have difficulty in understanding complaints information and forms by providing paperwork in languages other than English or by way of formal support for those who have a low level of literacy.

- 
-
- It is recommended that anonymised outcomes of complaints previously investigated either internally or by the Prisoner Ombudsman should be communicated to prisoners during induction and displayed in prominent positions in each prison establishment.
 - It is recommended that the advocacy system for young people at Hydebank Wood YOC is promoted amongst staff and young people to enhance young people's access to and confidence in the complaints system.



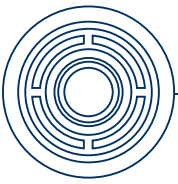
CHAPTER 7:

Probation Board for Northern Ireland



- 7.1 The PBNI complaints leaflet and policy were both available on its web site but there was no clear link on the main page to complaints information. The complaints policy applied to a wide range of persons including those people employed by the PBNI, seconded to it, working as a student under a formal agreement, partnership workers, and volunteers. There was a clear definition of what would be handled as a complaint; *‘Complaints must arise from actions, decisions or failure to act or decide by the Board, its members, its employees, its agency workers, seconded persons, students, volunteers or partnership workers’*, and who was entitled to make a complaint; *‘Anyone dissatisfied with PBNI is entitled to make a complaint.’* Complaints against social workers but not the PBNI as an organisation could also be made through the complaints procedures of the Northern Ireland Social Care Council.
- 7.2 Inspectors found that information regarding complaints was readily available in prominent positions in PBNI offices. Clients of PBNI had been made aware of complaint procedures at an early stage of their contact with the organisation and staff were aware of the procedures with regard to complaints and their responsibilities. Clients signed a form that was retained on their file to indicate that they had received information about the complaints procedures.
- 7.3 Information was available only in English and Inspectors were told that staff explain complaints procedures to clients at the initial point of contact in accordance with their obligations under the 2006 Northern Ireland Standards for probation practice¹³. Inspectors were told that PBNI do have some contact with clients whose understanding of English is limited. PBNI could produce their complaints leaflet in different languages and in different formats, if required, to help with issues of low levels of literacy or with people who had limited sight. Whilst the complaints policy stipulated that information would be made available in different formats on request this fact was not displayed

13 Northern Ireland Standards For the Assessment, Management and Supervision by Probation Board staff – implemented 1st September 2006



prominently in PBNI offices visited by Inspectors and was not published on the PBNI website.

- 7.4 A complaint had to be made within a year from the date of the incident leading to the complaint. The complaints policy had been introduced in March 2003 and was due to be reviewed in March 2008. Complaints could be made in person, by letter, by e-mail or text phone.
- 7.5 Management and staff told Inspectors that the targets set for resolving complaints were difficult to achieve. The targets had been developed from an earlier complaints process and did not fit with the existing policy which envisaged thorough investigations at each formal stage of the process. There had also been the issue of complainants disengaging with the complaints process when the Order that they were subject to had expired. In respect of such complainants who chose to end the complaint process these complaints were still being recorded as being unresolved and often affected whether time targets were met or not. A separate category of recording complainants as 'refused to co-operate' should be introduced and these complaints should not be included when analysing time targets.
- 7.6 Staff were encouraged to resolve complaints immediately at the point of contact and to record the complaint and its outcome to be forwarded to the PBNI Complaints Officer. The numbers of complaints recorded by PBNI were very low, 16 during the period under

inspection, and staff at PBNI offices and the Complaints Officer agreed that there had been many instances of minor issues being dealt with at source that had not been recorded. Complainants had expressed their desire for issues to be resolved quickly and as close to the point of contact as possible. These low level issues were unlikely to impact on service wide policies and practices but there was the potential for important organisational information to be lost. The PBNI complaints policy recognised that information gathered at the first, informal level of complaints handling could be a source of information about quality of service.

- 7.7 The main issue affecting whether a complaint should be recorded or not was the definition a complaint. Whilst the complaints policy was clear in defining a complaint its interpretation varied within an organisation dealing with diverse issues and clients. Issues being handled by the Complaints Officer were often matters of dispute resolution rather than of complaints against officers' actions or against organisational policy.
- 7.8 Interaction between a probation officer and offender often involved some reconciliation of views and these issues were not being recorded or escalated to complaints status. The issue of defining precisely what constituted a complaint was not confined to the PBNI. However, it would be useful if staff were reminded of their obligations to record issues raised by their clients.

7.9 Complaints not resolved at the initial stage were referred to line management to conduct investigations which had to be completed within 10 working days. Following investigation if the complainant remained dissatisfied appeal was to the PBNI Complaints Officer. Oversight of PBNI complaints was through the Probation Board. On appeal a complainant could appeal to the Chief Executive against a decision made by the Complaints Officer. The Chief Executive could use whatever internal or external resources deemed appropriate to resolve the issue and an appeal could be heard by a panel of Board members.

7.10 Complaints involving allegations of the following were referred directly to the PBNI Complaints Officer:

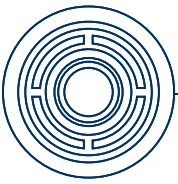
- any allegation of criminal behaviour by a Board employee;
- any allegation of conduct which would constitute gross misconduct under the Board's disciplinary code;
- any allegation which suggests that an officer has used his/her position to obtain advantage at the complainant's expense;
- any allegation of an improper relationship between an officer and a service user;
- any allegation which suggests that a service user has suffered some loss or detriment due to the action or inaction of a Board employee;
- any allegation which suggests a breach of statutory duty;
- any allegation of a breach of the Board's code of ethics or its

provisions on fair and equal treatment, and,

- other significant issues of personal or professional misconduct.

7.11 Information gathered through the complaints process was used to inform organisational development. The Complaints Officer produced reports to the Chief Executive and the Senior Management group including observations on the working of the complaints system. In addition, the Chief Executive was briefed if an investigation was going to be undertaken by the Complaints Officer. However, numbers of recorded complaints were so low that the provision for quarterly reports incorporated into the complaints policy had been shelved.

7.12 PBNI worked closely with NIPS and had officers working from within prison establishments. Actions of probation officers within prison impact greatly on prisoners. For example, reports prepared by probation officers influence resettlement plans, job allocations and home leave applications. Issues raised by prisoners could be subject partly to the internal prison complaints system and partly to the PBNI system. Given the degree of co-operation between the PBNI and NIPS this was understandable; however, if a complaint had gone to appeal the PO had no power of external oversight of the PBNI process. Inspectors were told that a pilot scheme whereby the PO would oversee complaints made against probation officers that affected prisoners had been planned.



However, it is now uncertain when or whether this will go ahead.

7.13 Inspectors examined PBNI complaint files and found that they were of a good standard with well recorded details of communication between the complainant and investigating officer. Most recent complaint files gave details of outcomes whilst earlier cases recorded complaints only as 'closed', 'letter sent' etc. In a previous inspection report¹⁴ it was recommended that, 'The External Complaints Register should explicitly record the outcomes of complaints.' In the most recent complaint files examined by Inspectors this recommendation was being implemented.

Probation Board Northern Ireland Recommendations

- It is recommended that PBNI should ensure that the availability of complaints information in alternative formats is clearly and explicitly stated in all its leaflets, on its website and displayed in prominent positions in its premises.
- It is recommended that PBNI should regularly update staff on their obligations to record complaints made to them and that a system of monitoring complaints recorded at a local level should be introduced.
- It is recommended that in the interim period whilst consideration is given to establishing a unified CJS complaints oversight system the remit of the Prisoner Ombudsman should be extended to apply to complaints against PBNI that affect prisoners.

¹⁴ Probation Board for Northern Ireland Corporate Governance (October 2006)

CHAPTER 8:

Postscript – A Cohesive CJS Complaints System



The Criminal Justice Review did not recommend a complaints system that should be uniform across all CJOs. Organisations have rightly developed systems that satisfy their own particular needs in delivering an effective service to their customers.

In England and Wales the Probation and Prisons Ombudsman (PPO) has responsibility for the oversight of complaints against the Prison Service and the National Probation Service. At present in Northern Ireland there is no formal oversight of complaints against the Probation Service.

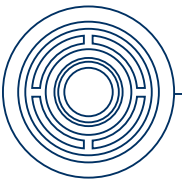
The Prisoner Ombudsman (PO) stated in his first annual report that, *“It is my view that complaints made about the Probation Service by prisoners, where appropriate, should be subjected to independent, impartial review by my office. This would also bring Northern Ireland into line with England and Wales”*. Inspectors agree with that suggestion.

Furthermore it would be worth seeking a legislative opportunity at some stage to place the office on a statutory footing and enable it to pursue complaints on its own initiative if necessary, without being dependent on a prisoner continuing to press his or her complaint. There is sometimes a public interest in seeing a complaint resolved properly, even if the

prisoner concerned has passed out of the prison system and is no longer available to be a party to it.

Northern Ireland has a large number of complaints bodies for a small country, and in the context of devolution it may be timely to think of rationalising them in due course and creating a unified system of complaints oversight. It would be important that each independent CJO should retain its own first-line complaints system, so that its ‘customers’ are adequately and appropriately dealt with. The present arrangements for dealing with complaints against the police should remain intact. However, there would be scope for bringing together the second-stage independent handling of complaints against other CJOs.

The Assembly Ombudsman (AO) for Northern Ireland is also the Northern Ireland Commissioner for Complaints. He investigates complaints made about a wide range of organisations, including all the devolved Departments and their agencies and sponsored bodies, but he does not at present investigate complaints against CJOs. We would suggest that once responsibility for criminal justice is devolved the CJOs should re-think their arrangements for handling complaints around the principle that the first stage should be internal investigation and the

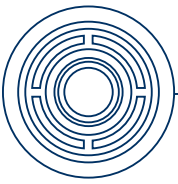


second stage, if required, should be independent investigation by the AO. There would necessarily be implications for the workload of the AO and therefore for the resources required in that office, but that would seem the right structure to aim for, and overall the costs should be no greater than for a piecemeal approach.

Section



Appendices




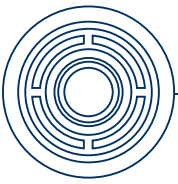
Appendix 1 Methodology

Research and review of documentation

Background research into complaints and a review of existing literature were carried out during September and October 2006. The following documents were consulted as part of the research.

- 1 Statutory Rules of Northern Ireland 1999 No.28, Juvenile Justice Centre Rules (Northern Ireland) 1999, Part IX, Children's Complaints, Complaints Procedure, 44 (1) and (2). Part IX
- 2 Visiting Committee and Board of Visitor's Annual Report to the Secretary Of State for Northern Ireland/2005, Inmate Allegations, 8.14.
<http://www.niprisonerservice.gov.uk/module.cfm/opt/5/area/Publications/page/publications/archive/false/download/true/id/210>
- 3 Third Report of the Justice Oversight Commissioner, December 2004, Chapter IV Complaints, 47, C, Young Offenders and Recommendation 184
<http://www.justiceoversight.com/reports/default.asp>
- 4 NI Prisoner Ombudsman: <http://www.niprisonerombudsman.gov.uk/form.htm>
<http://www.niprisonerombudsman.gov.uk/process.htm>
- 5 Dr Ursula Kilkelly, In Our Care, Promoting the Rights of Children in Custody, NIHRC, March 2002
<http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/17/inourcare.doc>
- 6 Wendy Cousins, Sharon Milner & Eithne McLaughlin, Children as Complainants in the Health and Personal Social Services in Northern Ireland. (Queen's University Belfast, Institute of Child Care Research, 2003)
<http://www.qub.ac.uk/ss/cccr/projects/complain.html>
- 7 Telling Concerns. Report of the Children's Commissioner for Wales' Review of the operation of Complaints and Representations and Whistleblowing procedures and arrangements for the provision of Children's Advocacy Services. (Children's Commissioner for Wales, 2003)
- 8 Children (NI) Order 1995
http://www.opsi.gov.uk/si/si1995/Uksi_19950755_en_1.htm
- 9 NCH, Room For Improvement: Manifesto for Children in Northern Ireland. Available at: <http://www.nch.org.uk/uploads/documents/NIM.pdf>
- 10 Voice for the Child in Care (Child-centred Care) http://www.vcc-uk.org/ngen_public/default.asp?id=41

- 
- 11 Making a Complaint about The Public Prosecution Service,
<http://www.ppsni.gov.uk/binn/showpicture.asp?DOCID=56&CID=211&type=DOCUMENT§ion=SUMMARY>
 - 12 Social Security Agency, Guide to effective complaints handling
 - 13 The Police Ombudsman for Northern Ireland, How to complain
<http://www.policeombudsman.org/howtocomplain.cfm>
 - 14 The Compensation Agency, Complaints
<http://www.compensationni.gov.uk/feedback/complaints.htm>
 - 15 Probation Board for Northern Ireland, Complaints Policy
http://www.pbni.org.uk/complaints_screening_form_march_05.pdf#search=%22Probation%20board%20northern%20ireland%20complaints%20policy%22
 - 16 Northern Ireland Housing Executive, Making a Complaint
http://www.nihe.gov.uk/housing_advice/making_a_complaint.asp
 - 17 Prisoner Ombudsman for Northern Ireland, Making a Complaint
http://www.niprisonerombudsman.gov.uk/t_process.htm
 - 18 Lord Chief Justice's Office Code of Practice for Judicial Complaints
 - 19 The Northern Ireland Assembly – Minutes of Evidence Commissioner for Children and Young People Bill: Committee stage NIA 20/01
<http://www.niassembly.gov.uk/centre/evidence/moe021002.htm>
 - 20 Independent Police Complaints Commission – Making the new police complaints system work better; Statutory Guidance
http://www.ipcc.gov.uk/stat_guidelines.pdf#search=%2220.%09Independent%20Police%20Complaints%20Commission%20%E2%80%93%20Making%20the%20new%20police%20complaints%20system%20work%20better%3B%20Statutory%20Guidance%22
 - 21 Just Justice 'Playing the Game' – The experiences of young black men in custody – Professor David Wilson and Sharon Moore
http://www.childrenssociety.org.uk/NR/rdonlyres/64D0CC46-6A1D-4BC6-8C01-8089EDF5EDC9/0/Playing_the_Game_report.pdf#search=%22Just%20Justice%20%E2%80%93%20Playing%20the%20Game%E2%80%99%20%22
 - 22 Voice of Young People in Care VOYPIC – Response to the draft leaving and after care regulations and guidance Children(leaving care) Act (Northern Ireland) 2002
 - 23 Northern Ireland Tourist Board – Your guide to making a complaint



Steering Group

The Steering Group for thematic inspections is advisory to the Chief Inspector: It does not share corporate responsibility for the content of the report. However, members of the Steering Group were selected for the contribution they could bring both personally and as representatives of their organisations, and the Chief Inspector aimed to ensure that their advice was reflected in the report.

The steering group for this inspection was composed of three CJO representatives, the Chief Inspector and Deputy Chief Inspector of Criminal Justice, and the lead Inspector for this inspection. The three CJOs nominated the following as their representatives for the steering group:

Greg Mullan, OPONI
David Weir, YJA, and,
Graham Kelly, PBNI

At the first meeting of the steering group in November 2006 the terms of reference for the inspection were discussed and agreed upon. Whilst it was recognised that the community and voluntary sector were integral elements of service delivery by the main CJOs it was agreed that a separate examination of their approach to complaints should not form part of the terms of reference for this particular inspection. The steering group was consulted on the progress of the draft report and met again in April 2007 to consider issues arising from it.


We also received valuable additional comment at the draft report stage from David McCall of the Prisoner Ombudsman's office and Alasdair MacLaughlin, the independent assessor of complaints for the PPS.

Fieldwork

Fieldwork was carried out during December 2006 and January 2007. Fieldwork consisted of site visits to each of the organisations inspected, interviews with relevant staff and management, examination of complaint files, face to face and telephone interviews with complainants, and the use of questionnaires as well as interviews in each of the custodial settings.

At Magilligan and Maghaberry prisons a total of 25 prisoners across the whole range of regimes and wings were spoken to either individually or as part of focus groups. In Hydebank YOC a total of 15 young people were interviewed either individually or in two separate focus groups. A total of 6 women at Hydebank Wood were interviewed by members of the inspection team either individually or as part of small focus groups.

At the JJC thirteen young people, aged 15 to 17 years inclusive, who were resident in the JJC at the time of inspection, voluntarily completed questionnaires in relation to their knowledge and experience of making complaints within the facility. Twelve of these young



people, together with three other current residents who chose not to complete questionnaires, also voluntarily participated in a discussion group or individual interview with a member of the inspection team.

Most young people at the JJC who completed questionnaires had spent one or more months within the centre during the previous 12 month period: seven had been there one to three months and four had been there four or more months. The remaining two had spent less than one month within the centre during the last year.

Nine former residents of the JJC voluntarily completed questionnaires in relation to their experience of the complaints system at the centre.

Q5. Who told you that you could make a complaint?

(you can tick more than one box)

- Hydebank staff social worker
 probation officer another prisoner
 someone else: who? _____

Q6. Did any Hydebank staff tell you HOW to make a complaint?

- Yes No

Q7. If you had wanted to make a complaint while you were in Hydebank, how would you have done this?

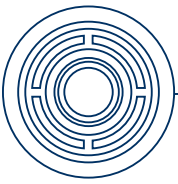
Go now to the **purple section** below

Q8. Did you make any complaints while you were in Hydebank during the last year?

- YES (please go to the **blue section** below)
 NO (go straight to the **red section** on page 5)

IMPORTANT: If you made more than one complaint when you were in Hydebank during the last year, answer these questions about **one** of the complaints you made.

There is room on page 6 to tell us about any other complaints or concerns.



Q9. What was your complaint about?

Q10. How did you make this complaint?

Q11. Has your complaint been sorted out yet?

- YES (please answer Q13 and Q14 below)
- NO (please answer Q12 below)
- DON'T KNOW (please answer Q12 below)

Q12. If your complaint has not been sorted out yet, has anyone told you what is happening with it?

- Yes No I can't remember

Go now to the **red section** on the next page

If your complaint has been sorted out:

Q13. How do you feel about how it was dealt with?

- happy ok unhappy

Could anything have been done better? _____

Q14. How do you feel about the result?

- happy ok unhappy

Why is this? _____

Go now to the **red section** on the next page

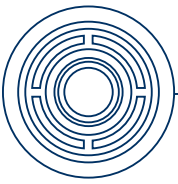
WHILE YOU WERE IN HYDEBANK IN THE LAST YEAR:

Q15. Did you ever want to make a complaint, but did not make one?

- YES (please answer Q16 below)
- NO (go straight to the **green section** below)

Q16. Why did you not complain when you wanted to?

- I didn't know how to
 - I thought I would get in trouble
 - I thought I would get someone else in trouble
 - I thought it would make things worse
 - There's no point – no-one listens
 - The problem got sorted out
 - I was leaving soon
 - another reason: what? _____
- _____

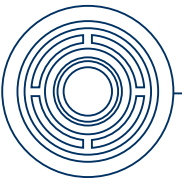


If you want to tell us about any other complaints you have made or any other concerns you have raised while at Hydebank within the past year, please use this space:

Ask for extra pages if you want

**THANK YOU
FOR TAKING THE TIME TO ANSWER OUR QUESTIONS**





Copyright© Criminal Justice Inspection Northern Ireland
All rights reserved

First published in Northern Ireland in July 2007 by
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
14 Great Victoria Street
Belfast BT2 7BA
www.cjini.org

ISBN 978-1-905283-22-4

Typeset in Gill Sans

Printed in Northern Ireland by Commercial Graphics Limited
Designed by Page Setup